# **Index File**

# **Application No. UP-706-06**

# Michael J. Davenport

**Application No. UP-706-06** is a request for a Special Use Permit to authorize a 714-square foot accessory apartment in conjunction with a single-family detached dwelling on a 0.421-acre parcel located at 103 Todd Court (Route 1722).

The staff is recommending approval.

#### Attachments:

- 1. Staff report
- 2. Zoning map
- 3. Sketch Plan
- 4. Floor Plan (2)
- 5. Elevation (3)
- 6. Proposed Resolution No. PC06-21

# COUNTY OF YORK MEMORANDUM

**DATE:** August 1, 2006 (PC Mtg. 8/9/06)

**TO:** York County Planning Commission

**FROM:** Earl W. Anderson, AICP, Planner

**SUBJECT:** Application No. UP-706-06, Michael J. Davenport

### **ISSUE**

This application requests a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a 714-square foot accessory apartment in conjunction with a single-family detached dwelling on a 0.421-acre parcel located at 103 Todd Court (Route 1722) and further identified as Assessor's Parcel No. 24-40-37.

### **DESCRIPTION**

- <u>Property Owner:</u> Michael J. Davenport ETUX
- Location: 103 Todd Court (Route 1722)
- Area: 0.421acre
- Frontage: 73.6 feet along Todd Court
- <u>Utilities:</u> Public water and public sewer
- <u>Topography:</u> Flat
- 2025 Land Use Map Designation: Medium Density Residential
- Zoning Classification: R20 Medium Density Single-Family Residential
- Existing Development: Single-family detached home
- Surrounding Development:

North: Two single-family detached homes on Davids Way
East: Two single-family detached homes on Todd Court
South: Single-family detached home on Todd Court
West: Single-family detached home on Harlan Lane

• Proposed Development: Detached garage with second floor accessory apartment.

### **CONSIDERATIONS/CONCLUSIONS**

- 1. The subject parcel is less than one-half acre in size and occupied by a single-family detached dwelling. The parcel is flat and has several mature trees surrounding the house and adjoining homes. The proposed detached garage will be located approximately 25 feet to the northeast of the single-family home. The properties on all sides are occupied by single-family detached dwellings and separated from the applicant's property by a six-foot wood slat fence.
- 2. Accessory apartments in detached structures are permitted in the R20 district with a Special Use Permit, provided the floor area of the accessory apartment does not exceed 800 square feet or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property currently contains 2,239 square feet of floor area, such that the floor space of the apartment would equal 32% of the floor
  - space of the principal dwelling. The proposed accessory apartment would contain approximately 714 square feet of habitable floor area (see table). The Virginia Uniform Statewide Building Code definition of habitable space does not include areas such as, closets and stairways; therefore, the floor area calculations do not include these spaces. The applicant indicated on his application that his son and other family members would occupy the apartment.

Room	Habitable Square Footage
Entry	54
Living area	180
Breakfast area	96
Kitchen	132
Bathroom	72
Bedroom	180
Total	714

- 3. The subject property can accommodate both the residential parking requirement (two spaces) and the proposed accessory apartment (two spaces). The single-family dwelling driveway has a parking area measuring approximately 20 feet in width and 48 feet in length. Additionally, the detached garage will have driveway access. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the parking areas and proposed future parking areas described should accommodate four cars.
- 4. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.
- 5. Property within the Wolf Trap Estates subdivision does not fall under the jurisdiction of an established homeowners' association; however, it appears there may be restrictive covenants prohibiting the use of an outbuilding, garage, shed for residential

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purposes. Regardless of any covenants that may be deeded, the County must evaluate the accessory apartment use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants and the approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants.

6. This accessory apartment would not meet the "administrative approval" criteria proposed and recommended by the Commission in the recently sponsored text amendment application since the lot is less than twice the minimum 20,000-square foot lot size required in the R20 District.

#### **RECOMMENDATION**

Given the above-noted standards, staff is of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, staff recommends that the Planning Commission forward this application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC06-21.

#### Attachments

- Zoning map
- Sketch plan
- Floor plan (garage level and 2<sup>nd</sup> level)
- Elevation (front, side and rear)
- Proposed Resolution No. PC06-21

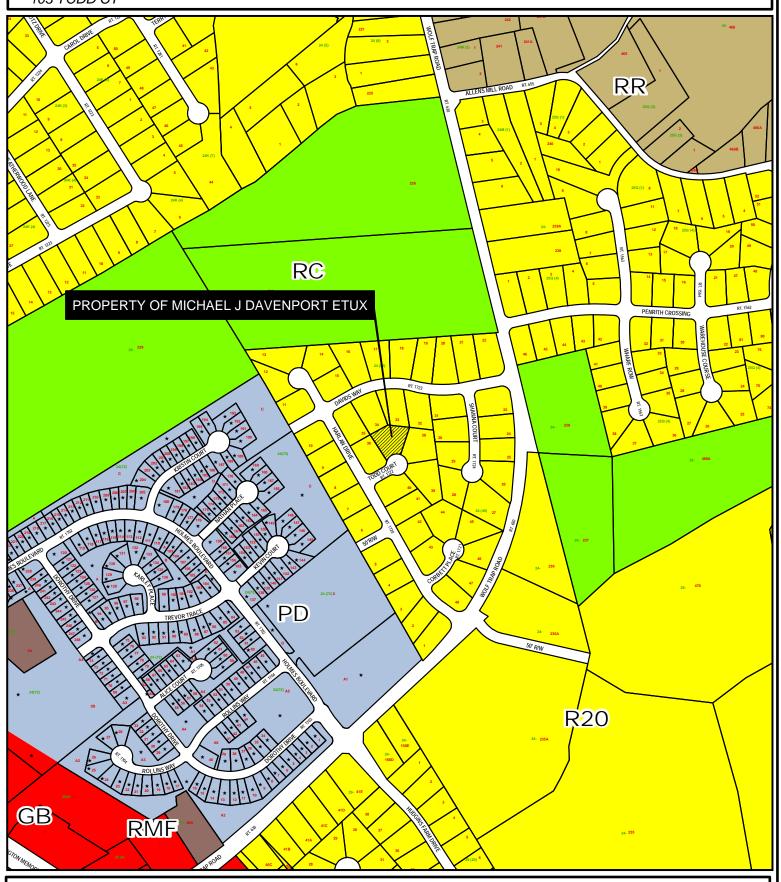
**EWA** 

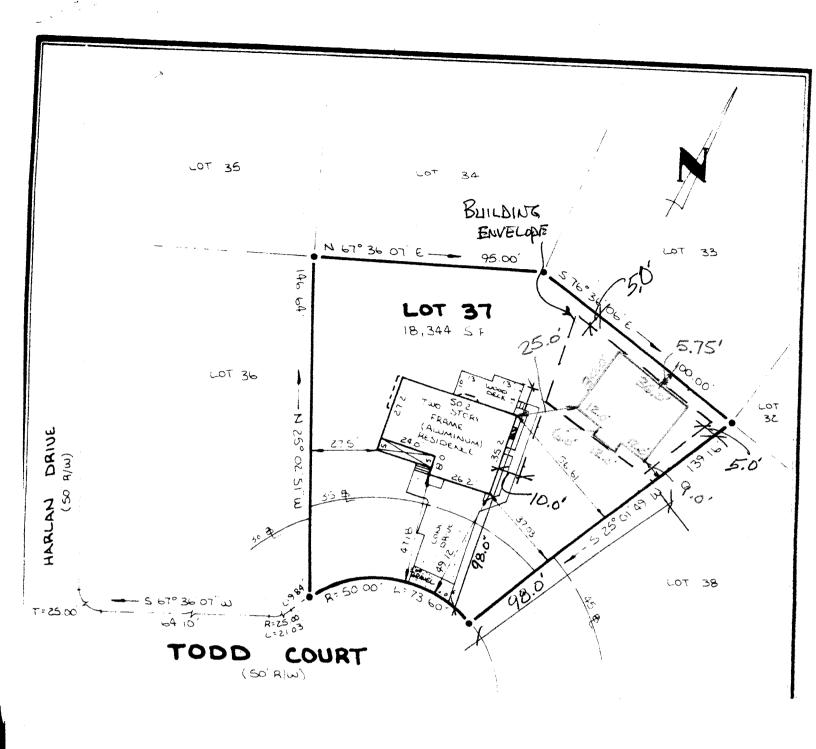
### **APPLICANT** Michael J. Davenport

Special Use Permit for accessory apartment 103 TODD CT

# **ZONING MAP**

APPLICATION NUMBER: UP-706-06

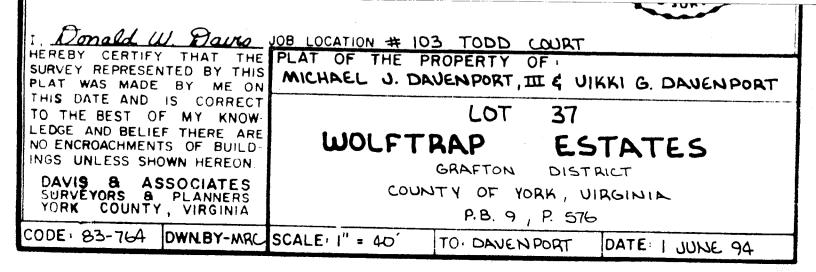


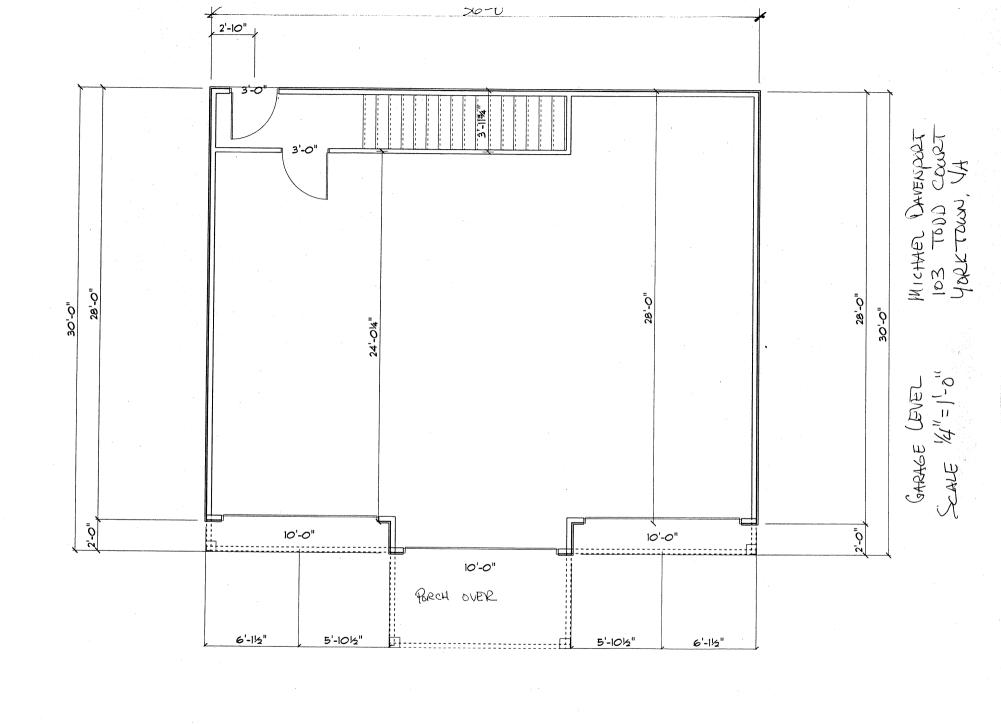


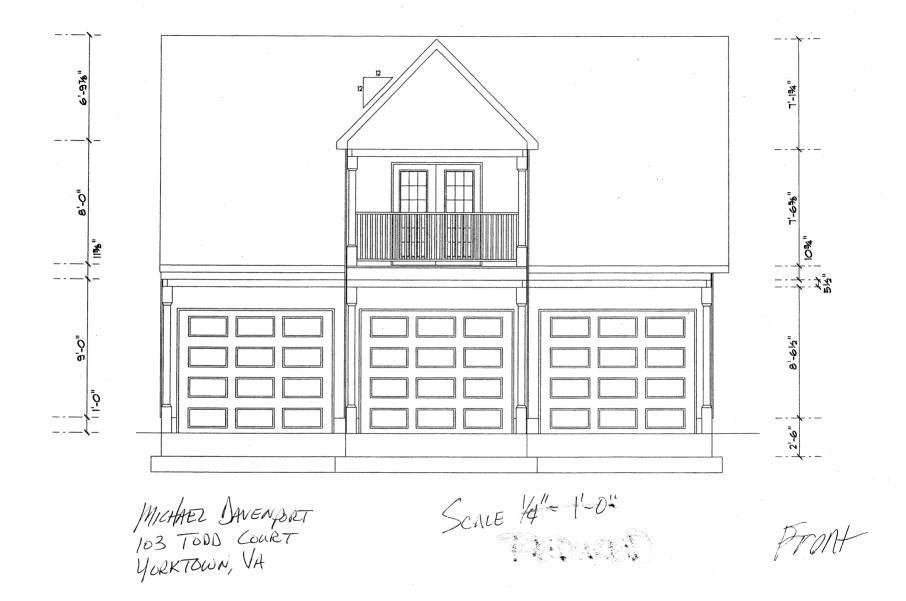
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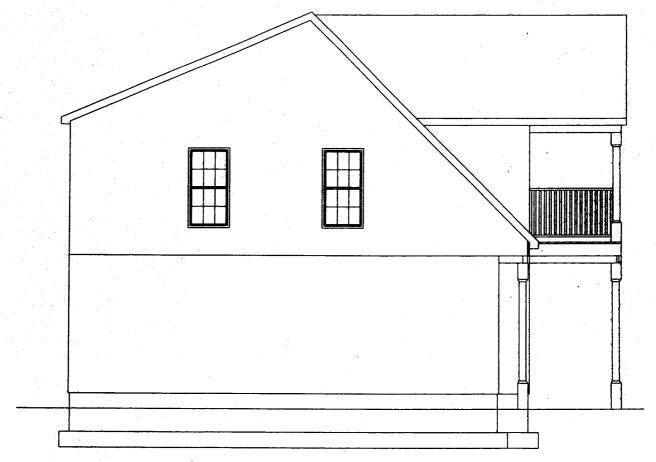
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Planning Division









MICHAEL DAVENDET 103 TOND COURT YORKTOWN, VA

CANE 44"=1"-1" 2ft Side

MICHAEL DEVENDERT 103 TODD COURT YORKTOWN, VA

SALE 14 = 1-0" REM

REDUCED

### PLANNING COMMISSION COUNTY OF YORK YORKTOWN, VIRGINIA

#### Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the day of, 2006:		
Present	<u>Vote</u>	
Alfred E. Ptasznik, Jr., Chair Nicholas F. Barba, Vice Chair Christopher A. Abel Alexander T. Hamilton John W. Staton Anne C. H. Conner John R. Davis		
On motion of, valopted:	which carried, the following resolution was	
	COMMEND APPROVAL OF A SPECIAL HORIZE A DETACHED ACCESSORY	

APARTMENT AT 103 TODD COURT

WHEREAS, Michael J. Davenport has submitted Application No. UP-706-06 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.421-acre of land located at 103 Todd Court (Route 1722) and further identified as Assessor's Parcel No. 24-40-37 (GPIN #S07a-1747-2514); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the \_\_\_\_\_ day of \_\_\_\_\_, 2006, that Application No. UP-702-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.421-acre of land located at 103 Todd Court (Route 1722) and further identified as Assessor's Parcel No. 24-40-37 (GPIN #S07a-1747-2514) subject to the following conditions:

- 1. This use permit shall authorize a the establishment of a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.421-acre parcel of land located at 103 Todd Court (Route 1722) and further identified as Assessor's Parcel No. 24-40-37 (GPIN #S07a-1747-2514).
- 2. The apartment shall be contained within a proposed structure to be located on the northeastern side of the subject property as indicated on the sketch plan submitted by the applicant titled "Plat of the Property of Michael J. Davenport, III & Vikki G. Davenport, Lot 37, Wolftrap Estates" prepared by Davis & Associates dated June 1, 1994. The accessory apartment floor plan shall be in conformance with the floor plans and elevations submitted by the applicant titled "Michael Davenport, 103 Todd Lane, garage level, 2<sup>nd</sup> level, front, left side, rear", except as modified herein.
- 3. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407 of the Zoning Ordinance.
- 4. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
- 5. The habitable floor area of the accessory apartment unit shall not exceed 714 square feet.
- 6. The accessory apartment unit shall contain no more than one (1) bedroom.
- 7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
- 8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
- 9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the

Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for a building permit.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.